HIGH COURT OF UTTARANCHAL AT- NAINITAL

Writ Petition No. 923 (S/B) of 2002

Smt. Aruna Gautam W/o Sri Satya Dev Gautam,
Assistant Teacher in Primary School,
Sitarganj Distt. Udham Singh Nagar. …. Petitioner

Vs.

State of Uttaranchal through its Secretary,
Ministry of Education, Uttaranchal Dehradun,
And four others. …. Respondents

Sri C.D. Bahuguna, learned counsel for the petitioners,
Smt. Beena Pandey, learned Standing Counsel for the State of U.P.,
Sri K.P. Upadhyay, learned Standing Counsel for State of Uttaranchal,
Sri P.S. Adhikari, learned Senior Standing Counsel for Union of India,

Hon'ble M.M. Ghildiyal, J.
Hon'ble Rajesh Tandon, J.

Heard Sri C.D. Bahuguna, learned counsel for the petitioners and Sri K.P. Upadhyay, learned Standing Counsel for the State of Uttaranchal, Smt. Beena Pandey, learned Standing Counsel for the State of U.P. & Sri P.S. Adhikari, learned Senior Standing Counsel for Union of India.

By means of this writ petition, the petitioner has prayed for the issue of a writ, order of direction in the nature of mandamus commanding the respondent nos. 1 & 3 to relieve the petitioner from Primary School, Sitarganj District Udham Singh Nagar so as to enable him to get joining and posting in any Primary School situated within the State of Uttar Pradesh, further with a prayer to command the respondent nos. 4 & 5 to provide joining and posting to the petitioner in any Primary School situated within the State of Uttar Pradesh.

Learned counsel for the petitioner has submitted that Division Bench of this Hon'ble Court on 25th March 2004 in W.P. No. 4446 (S/S) 2001 Ashok Kumar & others vs. State & others alongwith bunch of writ petitions has resolved the same controversy raised by the petitioner and the case of the present petitioner is squarely covered by the decision of the Division Bench of this Court, therefore, this writ petition may be disposed of in terms of the writ petition no. 4446 (S/S) 2001. Counsel for the petitioner has further confined his argument that the petitioner is ready to move representation afresh

before the authorities concerned, therefore, the authorities may be directed to consider the same within a period of one week. The respondents have not raised any objection at this stage before the Court.

In view of the aforesaid statement, the writ petition no. 923 (S/B) 2002 is decided in terms of the writ petition no.4446 (S/S) 2001 decided on 25th March 2004. Liberty is given to the petitioner to move representation afresh before the authorities concerned who shall decide the same expeditiously within a period of two months from the date of production of a certified copy of this order.

(Rajesh Tandon J.) (M.M. Ghildiyal J.)

June 11, 2004
NCM: